

June 30, 2025

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

LAURA A. AUSTIN, CLERK  
BY: s/J. Vasquez  
DEPUTY CLERK

<b>BRANDY N. HOOD,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:24cv00715</b>
	)	
<b>v.</b>	)	<b>OPINION and ORDER</b>
	)	
<b>SWVRJA-HAYSI, et al.,</b>	)	<b>By: Robert S. Ballou</b>
<b>Defendants.</b>	)	<b>United States District Judge</b>

Plaintiff Brandy N. Hood, a Virginia inmate proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983, alleging jail conditions that are aggravating her mental health and deliberate indifference to her mental health. The only named defendants are the Southwestern Virginia Regional Jail Authority in Haysi and the Mental Health Department.

Section 1983 provides a cause of action against a “person” who, acting under color of state law, violates the constitutional rights of another. 42 U.S.C. § 1983; *Loftus v. Bobzien*, 848 F.3d 278, 284–85 (4th Cir. 2017). Liability under § 1983 is “personal, based upon each defendant’s own constitutional violations. *Trulock v. Freeh*, 275 F.3d 391, 402 (4th Cir. 2001). A proper claim requires factual details about a defendant’s personal involvement in the violation of a plaintiff’s rights. *Wilcox v. Brown*, 877 F.3d 161, 170 (4th Cir. 2017). A jail is not a person within the meaning of § 1983 and lacks the capacity to be sued. *McCoy v. Chesapeake Corr. Ctr*, 788 F. Supp. 890, 893–94 (E.D. Va. 1992). Likewise, a mental health department is not a person.

Because plaintiff is acting *pro se* and may be able to allege facts to support a proper cause of action, the court will give her the opportunity to amend her Complaint within thirty (30) days from the date of this order. The Amended Complaint should name as a defendant each individual person that she believes violated her constitutional rights and clearly state how each such defendant violated her federal rights. If plaintiff does not know the names of individuals, she can

provide a description sufficient to enable the person to be identified, such as a detailed physical description or the date, time, and place of the interaction with plaintiff. The Amended Complaint must be a new pleading that stands by itself without reference to the original Complaint or other material previously filed. Failure to file an Amended Complaint within thirty days from the date of this order, to correct the noted deficiencies, will result in dismissal of this Complaint for failure to state a claim upon which relief may be granted. Alternatively, if plaintiff would prefer to voluntarily dismiss her claim without prejudice, she may file such a motion with the court.

The Clerk shall send to plaintiff a copy of this order and a blank § 1983 form for filing her Amended Complaint.

It is so **ORDERED**.

Enter: June 29, 2025

*/s/ Robert S. Ballou*

Robert S. Ballou  
United States District Judge

AMENDED COMPLAINT  
IN THE UNITED STATES DISTRICT COURT  
Western District of Virginia

BALLOU

District Judge  
(Assigned by Clerk's Office)

SARGENT

Mag. Referral Judge  
(Assigned by Clerk's Office)

CIVIL ACTION NO. 7:24-cv-00715  
(Assigned by Clerk's Office)

For use by Inmates filing a Complaint under

**CIVIL RIGHTS ACT, 42 U.S.C. §1983 or BIVENS v. SIX UNKNOWN NAMED AGENTS OF FED. BUREAU OF NARCOTICS, 403 U.S. 388 (1971)**

Plaintiff Name  
v.

Inmate No.

Defendant Name & Address

Defendant Name & Address

Defendant Name & Address

Defendant Name & Address

Defendant Name & Address

Defendant Name & Address

Defendant Name & Address

**IF YOU NEED TO ADD MORE DEFENDANTS, USE A SEPARATE SHEET OF PAPER, AND PUT  
NAME AND ADDRESS FOR EACH NAMED DEFENDANT.  
TITLE THE SECOND PAGE "CONTINUED NAMED DEFENDANTS"**

A. Where are you now? Name and Address of Facility:

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B. Where did this action take place?

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C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to A is Yes, answer the following:

1. Court: \_\_\_\_\_

2. Case Number: \_\_\_\_\_

D. Have you filed any grievances regarding the facts of this complaint?

\_\_\_\_\_ Yes \_\_\_\_\_ No

1. If your answer is Yes, indicate the result:

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2. If your answer is No, indicate why:

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E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

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Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

(Additional Supporting Facts may be placed on a separate paper titled ADDITIONAL SUPPORTING FACTS)

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- F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

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- G. If this case goes to trial, do you request a trial by jury? Yes \_\_\_\_\_ No \_\_\_\_\_

- H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address *after* I have been released or transferred or my case may be dismissed.

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

VERIFICATION:

I, \_\_\_\_\_, state that I am the plaintiff in this action, and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_